

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>WILLIAMS TRUCKING, INC., ET AL.,</b>	)	<b>CASE NO.1:08CV2058</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>Vs.</b>	)	
	)	
<b>NESTLE USA,</b>	)	<b>OPINION AND ORDER</b>
	)	
<b>Defendant.</b>	)	

**CHRISTOPHER A. BOYKO, J:**

On February 26, 2010, at 2:30 PM, the Court will conduct oral arguments, in open court, on Defendant's Motions for Summary Judgment. Defendant will have thirty minutes to argue, Plaintiff will have thirty minutes to respond and Defendant will have five minutes for rebuttal. This will not be an evidentiary hearing, rather, it will be heard solely on the materials contained in the Motions. As part of their presentations, the parties should be prepared to discuss the following issues:

- 1) What theory of recovery is Plaintiff alleging -i.e. oral contract, implied contract, etc...?
- 2) What promise by Defendant is the basis of the promissory estoppel claim -i.e. a five year term or a promise to sign the agreement?
- 3) When did Plaintiff purchase the equipment needed to perform the contract?
- 4) Was it reasonable for Plaintiff to purchase the equipment when no signed contract was in place?

5) How did Plaintiff arrive at the amount of profits lost due to Defendant's alleged breach?

Depending on the outcome of the oral arguments, the trial date, presently set for March 22, 2010, may be subject to change.

IT IS SO ORDERED.

S/Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
United States District Judge

February 18, 2010